

*State of California*

**M E M O R A N D U M**

**TO:** PERSONNEL MANAGEMENT LIAISONS **DATE:** September 11, 2003  
**REFERENCE CODE:** 2003-031

**THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:**

Employee Relations Officers  
Personnel Officers

**FROM:** Department of Personnel Administration  
Policy and Operations Division

**SUBJECT:** Paid Leave for Organ Donation by State Employees

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Assembly Bill 1825 added Section 19991.11 to the California Government Code. This section provides that a State employee, who has exhausted all available sick leave, is eligible for paid time off for the purpose of donating an organ or bone marrow to another person. Paid leave for the purpose of donating an organ or bone marrow is called "Donor Leave." This bill became effective on January 1, 2003.

Donor Leave is currently available to all permanent and probationary employees who are either excluded from collective bargaining or represented by Bargaining Units 16 or 17. Donor Leave may become available to employees in other bargaining units according to their collective bargaining agreements or once side letter agreements are reached. Collective bargaining agreements are available at [www.dpa.ca.gov](http://www.dpa.ca.gov).

An employee who donates an organ to another person is eligible for up to 30 workdays of Donor Leave in any one-year period. An employee who donates bone marrow to another person is eligible for up to five workdays of Donor Leave in any one-year period. The one-year period for an organ donation is separate from the one-year period for bone marrow donation.

Workdays are defined as eight hours for full-time employees and are proportional for part-time employees (e.g., four hours for half-time

employees). The one-year period is measured from the date the employee's leave begins and shall consist of 12 contiguous months. Paid holidays are included in the 30- or 5-day Donor Leave period.

Intermittent, daily, hourly, and temporary employees are eligible for Donor Leave if they are scheduled to work when they become donors. If Donor Leave is approved, these employees will be paid for the time they would have worked during the six contiguous calendar weeks following an organ donation or the single calendar week following a bone marrow donation. The six- or one-week period is measured from the date the employee's leave begins. Payment for holidays that occur during the Donor Leave period will be according to the current pay plan.

To qualify for Donor Leave, an employee must exhaust all of his or her sick leave. The employee must provide written verification to the appointing power that he or she will be an organ or bone marrow donor and that there is a medical necessity for the donation. This benefit does not apply to employees who donate organs after their deaths.

An employee on Donor Leave shall continue to be eligible for salary adjustments and shall receive credit for annual leave, vacation, sick leave, or any other benefit that would normally accrue during such a work period.

Prior to donating an organ or bone marrow, a person may be required to undergo medical, psychological, or other tests. Donor Leave may not be used for these purposes. Absences for such purposes must be requested and approved in advance in the same manner as required to use sick leave or annual leave for sick leave purposes, and the time shall be deducted from the employee's accrued leave.

If, for medical reasons, an employee is unable to return to work beyond the time or period granted following a donation, the employee is subject to existing leave and retirement provisions provided in the laws, rules, and collective bargaining agreements.

If you have any questions regarding this policy, please contact Nora Cheek at [NoraCheek@dpa.ca.gov](mailto:NoraCheek@dpa.ca.gov) or (916) 324-0441.

Bob Painter, Chief  
Policy and Operations Division